



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,104	10/14/2004	Hiroichi Inada	33082.224	9028

441 7590 02/20/2007  
SMITH, GAMBRELL & RUSSELL  
1850 M STREET, N.W., SUITE 800  
WASHINGTON, DC 20036

EXAMINER
----------

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
----------	--------------

1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/511,104	INADA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brenda A. Lamb	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-9,11-15,17 and 19 is/are allowed.
- 6) ☒ Claim(s) 4,10,16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Claims 4,10,16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

When one employs means plus function language in a claim such as attractive fixing means for fixedly holding the processing liquid pouring nozzles as set forth in claims then applicant must set forth in the specification adequate disclosure showings what is meant by that language. If applicant fails to set forth an adequate disclosure, then applicant has failed to particularly point out and distinctly claims the invention required by the second paragraph of section 112. See *in re Donaldson Co.* 16 F.3d 1189,1195 29 USPQ2d 1845,1850 (FED. CIR.1994).

Note it is unclear whether when using the term "attractive fixating means for fixedly holding the processing liquid pouring nozzles" applicant is claiming fixedly holding the nozzles in the attractive fixating means using physical attractive forces or whether applicant is claiming fixedly holding the nozzles using an attractive or appealing design for the fixating means.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Inada et al 6,616,762.

Inada et al teaches the design of a substrate processing apparatus comprising: a rotary workpiece-holding means 60 for holding and rotating a substrate; a plurality of processing liquid pouring nozzles for pouring processing liquids on a surface of the substrate held by the rotary workpiece-holding means; a nozzle-holding means 64 for holding the processing liquid pouring nozzles at their home positions beside the rotary workpiece-holding means; and a nozzle carrying means 75 for detachably gripping desired one of the processing liquid pouring nozzles held on the nozzle-holding means, and carrying the desired processing liquid pouring nozzle to a working position above the substrate; wherein the processing liquid pouring nozzles are held in alignment with straight lines extending between the center of the rotary workpiece-holding means about which the rotary workpiece-holding means rotates and a plurality of nozzle holding openings (64a-64d) formed at suitable intervals in the nozzle-holding means, respectively, flexible supply tubes (elements 69a-69d) connecting the processing liquid pouring nozzles to processing liquid sources are arranged on extensions of the straight lines, respectively, and each processing liquid pouring nozzle and the supply tube connected to the processing liquid pouring nozzle move along the straight line when the nozzle carrying means carries the processing liquid pouring nozzle. Inada et al teaches the nozzle-holding means is provided with fixating means for fixedly holding the processing liquid pouring nozzles in a substantially radial arrangement (recessed portions in the nozzle-holding means which have a shape that is

the same of the outer shape of the nozzle) wherein the nozzle-holding means is attractive or appealing. Thus every element of the claimed apparatus as set forth in claim 10 is taught by Inada et al.

Claims 4,16 and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 1-2,5-9,11-15,17 and 19 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday. The examiner can also be reached on alternate Wednesdays

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
